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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,718	04/06/2000	Eduardo Cue	P2513/561	9145

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EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,718

Applicant(s)

CUE ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The Applicant canceled Claims 1-47 and newly added Claims 48-85. All pending claims (48-85) were examined in this final Office Action necessitated by amendment.

Response to Arguments

Applicant's arguments filed 27 April 2004 have been fully considered but they are not persuasive. The Applicant canceled Claims 1-47, newly added Claims 48-85 and offered new arguments based on the amendment as noted below:

- *The Dell reference does not teach or suggest having an instantiation application that configures the bundle of products with instantiation data in order to tailor the bundle of products for the group.*

Dell Computer teaches instantiation of bundle products but is not relied upon to teach bundled product tailored for the group. Newly cited art PR Newswire teaches GE Capital modeling its online web ordering system after Dell Computer, but including functionality that allows fleet managers to tailor product selections for fleet drivers.

- *The Dell reference does not teach or suggest using instantiation data that can be applied to the bundle of products in order to specifically create a bundle that the customers of the group would want to purchase.*

As noted above, PR Newswire teaches fleet drivers selecting their own options. The teachings of PR Newswire suggest the customer is ordering desired product.

- *Drawings and Specification*

The Applicant amended the specification to overcome objections pertaining to reference characters 34 and 88. The examiner acknowledges the Applicant's corrected specification.

The Applicant amended drawings to overcome objections pertaining to reference characters 22' and 30'. The examiner acknowledges the Applicant's corrections to the drawings.

The Applicant's remarks pertaining to Figure 3 are persuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 48-85 are rejected under 35 USC 103(a) as being unpatentable over Dell Computer (a collection of prior art cited in Paper #4, PTO-892 Items: U-X; and Henson, Paper #4, patent number 6,167,383), in view of PR Newswire (PTO-892, Item: U hereinafter referred to as "PRN").**

Dell Computer teaches a method for conducting commerce with its customers desiring to purchase computers, peripherals, software, and accessories through Dell Computer's web site (Paper #4, U: see at least pages 2-3; Henson: see at least abstract; Fig. 3a (70); col. 1, lines 15-22). Dell Computer teaches its Premier Pages, customized secure websites for individual customer groups (e.g. companies, institutions), managed by Dell Computer's web service that allows large companies and public-sector customers to simplify procurement of Dell products and support processes (Paper #4, U: see at least pages 3-5; W: page 1; Henson: see at least col. 14, lines 18-61). Dell Computer teaches a smart configurator that presents a base product selected by the customer using a Premier Page (e.g. Dell Dimension XPS R mini tower computer) and presents required compatible components (e.g. memory, monitor), bundled software, and

optional accessories (Paper #4, Henson: see Fig. 4 (70)) (please note examiner's interpretation: smart configurator instantiated data by dynamically generating a bundle of products and accessories for a customer to select). Dell Computer further teaches:

- Generating bundle-selection data from a custom store administration computer, products to be bundled are selected by an administrator associated with the group:

Dell Computer teaches all the above as noted under the 103(a) rejection and teaches a) online ordering and customizing a product, b) dynamically bundling products within a group's web page, c) instantiating bundled product data, and d) providing management access to the Premier Page web site that allows managers access to all information (Paper #4, V: page 1). Dell Computer, however, does not disclose bundle-selection data being selected by an administrator associated with the group. PRN teaches GE Capital's online ordering system being modeled after Dell Computer's online ordering system. PRN teaches GE Capital's online ordering system that allows drivers to order product (e.g. a vehicle) based on parameters selected by the drivers' fleet manager (please note examiner's interpretation: fleet manager acting as an administrator). PRN teaches the drivers' fleet manager establishing their selectors on the Internet and allowing drivers to make product selections online using a secure user ID and password. PRN further teaches drivers being

permitted to choose from designated product options (please note examiner's interpretation: products bundled together for selection) or being allowed to build entire vehicles. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Dell Computer to allow a group administrator to select orderable product as taught by PRN, in order to provide the group's administrator with purchasing selection control.

- Generating a bundle of products with a server system:
 - i. configuring the bundle or products with instantiation data for the group; products tailored for the group;

Dell Computer teaches all the above as noted under the 103(a) rejection and teaches a) online ordering and customizing a product via a web server, b) bundling products within a group's web page via a web server, c) instantiating bundled product data via a web server, and d) tailoring pricing for the group. Dell Computer, however, does not disclose product tailored for the group. PRN teaches all the above as noted under the 103(a) rejection and teaches fleet managers deciding product options for their drivers (please note examiner's interpretation: orderable product is tailored by an administrator for his/her group of drivers). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Dell Computer to allow a group

administrator to tailor orderable product as taught by PRN, in order to provide the group administrator with purchasing selection control.

- ii. determining if any of the product data is obsolete with a reconciliation application: Dell's ImageWatch program provides early notification of technology changes and impact to Dell corporate and institutional customers through Premier web pages (Paper #4, W: see page 1).

- iii. generating the bundle of products from the bundle selection data:

Dell Computer teaches all the above as noted under the 103(a) rejection and teaches bundling products for purchase, but does not disclose generating the bundle of products from the bundle selection data. PRN teaches all the above as noted under the 103(a) rejection and teaches the drivers' fleet manager establishing their selectors on the Internet and allowing drivers to make product selections online. PRN further teaches product configuring is based on the parameters the drivers' fleet manager selects (please note examiner's interpretation: fleet manager creates product bundles). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Dell Computer to generate bundled product as taught by PRN, in order to provide the group with product bundles, and thereby attract groups desiring to purchase product bundles.

- Custom store web page: Premier web pages as a particular type of customer set (Paper #4, U: page 1; X: page 1; Henson: see at least col. 14, lines 35-47).
- Commerce site is dynamically produced: dynamic publishing (Paper #4, U: page 5).
- Databases: database driven shopping cart and configurator that assists the customer of a customer set (Premier Page) in customizing a computer system for purchase providing automatic price totaling (Paper #4, Henson: see at least Fig. 1 (18, 20, 24); col. 4, line 35 through col. 5, line 65).
- Computer-readable medium: online store with CPU, hard disk, floppy drive, and memory devices (Henson: see at least Fig. 11 (52, 56, 58); col. 6, lines 5-17).
- System means: server means; communication means (Internet, I/O, bus); database means to store and access data; central processing unit for execution means to dynamically create bundled products (Paper #4, Henson: see at least Fig. 11 (52, 56, 58); col. 6, lines 5-17).

Pertaining to system Claims 48-59

Rejection of Claims 48-59 is based on the same rationale as noted above.

Pertaining to computer-readable medium Claims 60-68

Rejection of Claims 60-68 is based on the same rationale as noted above.

Pertaining to system means Claims 77-85

Rejection of Claims 77-85 is based on the same rationale as noted above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Vincent Millin** can be reached on 703-308-1065.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306 (Official communications; including After Final
communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.



Robert M. Pond
Patent Examiner
July 26, 2004